THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 13804 of 2006

Dated: 10.11.2006

Between:

M. Kavitha.

..... PETITIONER

AND

The District Collector, Medak District at Sanga Reddy and others.

....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.13804 of 2006

ORDER

Questioning the action of respondent Nos. 1 to 3 in appointing respondent No.4 as Anganwadi Worker of Ramayapalli Village, Veldurthy Mandal, Medak District, contrary to the Notification dated 28.10.2005 issued in Circular Memo No.222/2005 by respondent No.3, and rejecting the application of the petitioner for the post of Anganwadi Worker, vide proceedings dated 27.04.2006 of respondent No.2, as illegal and arbitrary, the present writ petition is filed.

2. The petitioner is working as E.C.E. Instructor in Primary School in Ramayapalli Village. While so, a Notification dated 28.10.2005 was issued by respondent No.3 calling for applications from eligible candidates for the post of Anganwadi Worker and Anganwadi Helper. As per the said Notification, the qualifications required for applying for the post of Anganwadi Worker are - a candidate should be a daughter-in-law of the village, aged above 21 years, passed 10th Class, and be in good looks of Sarpanch of the village, President of Mothers' Committee and the villagers at large. The petitioner states that as she acquired all the qualifications, she applied for the said post. The petitioner states that except herself, no other person in the village applied for the same. Thereafter, interview was conducted on 24.12.2005, but surprisingly, respondent No.4, who did not even apply for the said post, was appointed to the said post, despite the fact that she is not a daughter-in-law of Ramayapalli village. Aggrieved by the said appointment of respondent No.4 as Anganwadi Worker, the petitioner made a representation to respondent No.1 on 03.04.2006, followed by

reminders on 17.04.2006 and 20.04.2006. However, respondent No.2, who took up the matter, rejected her representations, stating that respondent No.4 is the widow and daughter of Ramayapalli village, and as per the directions of respondent No.1, she was appointed as Anganwadi Worker, vide proceedings dated 27.04.2006.

3. Hence, assailing the said proceedings, appointing respondent No.4 as Anganwadi Worker, the petitioner filed the present writ petition.

4. Respondent No.2 filed counter-affidavit denying the allegations made in the petition. It is stated that, in fact two applications were received from Ramayapalli village, one is from the petitioner and another from respondent No.4 and call letters were issued to both the candidates and interviews were conducted on 24.12.2005. The prime objective of the Department of Women Development and Child Welfare is to give support and security to the deprived women i.e, widows, destitute, deserted and victims of atrocities and women discharged from homes, by providing rehabilitation to those women. On the basis of the representation of the members of the Gram Panchayat and the villagers at large, that respondent No.4 is the daughter of the Ramayapally village and a widow having two female children residing with her parents without any support, the Selection Committee, appointed respondent No.4 as Anganwadi Worker, and as such, there is no irregularity committed by the official respondents. Hence, prayed that the writ petition be dismissed.

5. The petitioner filed a reply affidavit to the said counter, stating that respondent No.4 is not residing at Ramayapally Village, and her address in the records as well as in the Voters List, 2005 is

mentioned as H.No.1-15-260, Medak Town, and respondent No.4 not being local to the village, her appointment as Anganwadi Worker, is illegal and arbitrary, and more so when she is not the daughter-in-law of the village.

6. Though the matter was adjourned several times for the appearance of the respondents, neither the learned counsel for the official respondents nor respondent No.4 was present nor any representation was made.

7. The learned counsel for the petitioner submits that in terms of the notification dated 28.10.2005 of respondent No.3, the petitioner being the daughter-in-law, is eligible to hold the post of Anganwadi worker, but the official respondents contrary to the said notification, appointed respondent No.4, who is not a resident of the village and a daughter of the village, as Anganwadi Worker, which is illegal and arbitrary. He further submits that the husband and son of the petitioner are suffering with ailments, and she is the only earning member of the family, and prayed that the illegal appointment of respondent No.4 as Anganwadi Worker, be set aside.

8. Heard the learned counsel for the petitioner and perused the material on record, including the recruitment notification.

9. A perusal of the Recruitment Notification dated 20.10.2005 would show that a woman, who applies to the post of Anganwadi Worker, should be daughter-in-law of the village, aged above 21 years, have passed 10th Class, be in the good looks of Sarpanch of the village, President of Mother's Committee and villagers at large. The petitioner, admittedly, is a daughter-in-law of the village, and in fact, she is residing there. Though the petitioner is the daughter-in-law of the village, the official respondents, contrary to the qualifications prescribed in the notification, appointed respondent

No.4, who is the daughter of the village, and she having been married to a person residing in Medak Town is residing there. The fact that respondent No.4 is residing in Medak Town and not in the village for which she was appointed as Anganwadi Worker, is evident from the Voters list and the records. The grounds, on which the official respondents, on the recommendation made by the Sarpanch of the village and other villagers, namely that she is a widow and having female children without any support, are extraneous to the qualifications mentioned in the very recruitment notification. Therefore, the appointment of respondent No.4 as Anganwadi Worker, cannot be sustained, and is liable to be set aside.

Therefore, the appointment order of respondent No.4 and the rejection proceedings dated 27.04.2006 of respondent No.2 are set aside, and the official respondents are directed to consider the case of the petitioner for appointment in view of setting aside of the appointment order of respondent No. 4 for appointment as Anganwadi Worker.

Accordingly, the Writ Petition is allowed. No costs.

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N.V. RAMANA, J.

Date: 10.11.2006

sj/ksr